

ORIG : David E. Murphy  
UNIT : Chief, EE ☐ INDEX  
EXT : 7586 ☐ NO INDEX  
DATE : 12 JULY 1963 ☐ FILE IN CS FILE NO.

CLASSIFIED MESSAGE

<sup>35</sup> SECRET

12-62

ROUTING

1	Cee-6	4
2	Cep	5
3	Ch	6

12 JUL 63 21 28 Z

TO : FRANKFURT INFO: BONN MUNICH

FROM: DIRECTOR

CONF: C/EE 3

INFO: DCI, D/DCI, DDP, ADDP, C/CA 2, C/CI, C/FI 2, C/FI/INT 2, RF

SIG GEN  
DEFERRED

ROUTINE

PRIORITY

TO PRITY FRAN

INFO BONN MUNI

CITE DIR

53921

RYBAT UPHILL

1 2 3 4  
[ ] [ ] AND [ ] ONLY FROM [ ]

REFS: A. BONN 4860 (IN 78476)\*

B. FRAN 0347 (IN 78602)\*

**BEST AVAILABLE COPY**

1. FOLLOWING FOR AMBASSADOR PERSONAL INFO ONLY:

A. KUBARK UNDERSTANDS UPTHURST IRRITATION RE FELFE CASE AS  
RESULT REPORTED WIDESPREAD PRESS ATTACK ON MANAGEMENT OF UPHILL BY  
UTILITY. THIS IS LATEST INCIDENT IN TWELVE MONTHS PERIOD OF INCREASINGLY  
COOL RELATIONSHIP BETWEEN UPTHURST AND UTILITY. THIS WAS ACCELERATED  
BY UPHILL INVOLVEMENT IN SPIEGEL AFFAIR.

B. IN OUR VIEW UTILITY HAS COMPILED GOOD RECORD IN MANY  
AREAS IN RE-ESTABLISHING GERMAN INTELL SERVICE. LIKE OTHER ELEMENTS  
GERMAN GOVERNMENT HE IS FACED BY VERY SERIOUS SECURITY PROBLEMS WHICH  
STEM PRIMARILY FROM DIVISION OF GERMANY AND GREAT NUMBER GERMANS WHO  
WERE IN SOVIET HANDS FOR EXTENDED PERIOD. UTILITY CAN BE CHARGED WITH  
RELYING ON STANDARDS OF DECENCY AND HONESTY WHICH MAY HAVE BEEN GENERALLY  
APPLICABLE TO OFFICERS AND GENTLEMEN OF A NOW BY-GONE ERA AND IN MANY  
CASES ACCEPTED THE WORD OF FORMER PROFESSIONAL ASSOCIATES AND

RELEASING OFFICER

COORDINATING OFFICERS

SECRET

GROUP 1  
Excluded from automatic  
downgrading and  
declassification

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DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCES METHOD EXEMPTION 382E  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2005

ORIG :  
UNIT :  
EXT :  
DATE :

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SECRET

U-62

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SUB-ORDINATES WHERE A THOROUGH AND IMPARTIAL INVESTIGATION SHOULD HAVE BEEN UNDERTAKEN. THUS, THE GREATER THOROUGHNESS WITH WHICH PERSONNEL SECURITY MATTERS ARE BEING PURSUED SINCE THE FELFE ARREST SHOULD UNDOUBTEDLY HAVE BEEN INSTITUTED CONSIDERABLY EARLIER. IT MUST BE NOTED, HOWEVER, THAT OTHER FEDREP ELEMENTS HAVE HAD SIMILARLY SERIOUS CASES OF HOSTILE PENETRATION AS DISCUSSED IN NATO SECRET WORKING PAPER AC/35 - WP/19 DATED 31 JULY 1961.

C. FROM ITS VERY INCEPTION IN 1946 UNTIL ITS TRANSFER TO FEDREP CONTROL AS THE OFFICIAL GERMAN SERVICE UTILITY WAS THE MAN IN CHARGE AND WE DO NOT RECALL THAT UPTHURST EVER QUESTIONED UTILITY FITNESS AS HEAD OF SERVICE. ALSO DECISION BY UPTHURST THAT UTILITY ORG WOULD ONE DAY BECOME OFFICIAL SERVICE WAS MADE BEFORE ASCHAM BECAME CHIEF KUBARK. KUBARK HAS WORKED WITH UTILITY SINCE 1949 AND IS AWARE OF HIS GOOD QUALIFICATIONS AND HIS WEARNESES.

D. HOWEVER, QUESTION WHETHER UTILITY TO REMAIN AS HEAD OF SERVICE IS ONE EXCLUSIVELY FOR FEDREP DECISION. NO U.S. OFFICIAL SHOULD BECOME INVOLVED IN THIS CONTROVERSY. ANY INTERVENTION ON OUR PART WOULD INEVITABLY BECOME KNOWN AND COULD PROVE EMBARRASSING.

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S E C R E T

12-62

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1		4	
2		5	
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TO :

FROM: DIRECTOR

CONF:

P A G E T H R E E

INFO :

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53921

2. IN MAKING ABOVE AVAILABLE TO AMB PLEASE DETERMINE WHETHER AMB  
IS EXPECTED TO REPLY TO UPTHURST. IF SO ABOVE COMMENTS MAY BE USED AT  
AMB DISCRETION.

3. FRAN: DEFER ACTION ON PARA TWO REF B UNTIL RESULTS ABOVE  
KNOWN.

END OF MESSAGE

C/S Comment: \*Requested KUBARK (5) evaluation of UTILITY (8) as well  
as KUBARK's (5) position on UTILITY's (8) possible dismissal.

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C/EE/G

DAVID E. MURPHY  
CHIEF, EE  
RELEASING OFFICER

COORDINATING OFFICERS

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